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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,516	04/19/2005	Stiv Kolega	21029-00285-US1	7864
30678	7590	06/22/2006	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP SUITE 800 1990 M STREET NW WASHINGTON, DC 20036-3425			LU, JIPING	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/525,516	Applicant(s) KOLEGA ET AL.	
	Examiner Jiping Lu	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6,8 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6,8,11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luboschik (DE 4315321A1) in view of Unger, Jr. (U. S. Pat. 2,279,848).

Luboschik shows a device for drying products, in particular, sludge originating from plants for the treatment of municipal or industrial wastewater, employing solar energy produced in the form of a greenhouse (3.1) comprising a slab or floor (2.2) on which the bed (3) of sludge to be dried is deposited, means (2.3) being provided for ensuring that the sludge spread over said floor is turned over and that it is progressed along the drying device. A system (3.3) for renewal of the air present in said greenhouse (3.1). However, Luboschik does not show fans are positioned over the means (2.3) for turning the sludge bed over. Unger, Jr. teaches a material drying device with fans 28 positioned on the means for turning the sludge bed over (see page 1, left-hand column, lines 13-16 and right-hand column, lines 52-55) same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the material drying device of Luboschik to position the fans over the means for turning the sludge bed as taught by Unger, Jr. in order to reducing the drying time and to improve the drying efficiency.

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3. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luboschik (DE 4315321A1) in view of Unger, Jr. (U. S. Pat. 2,279,848) as applied to claim 1 above, and further in view of Nippon (JP 57-153189).

The drying device of Lubosachik as modified by Unger, Jr. as above includes all that is recited in claims 3-4 except for an additional system for ventilation via the ground. Nippon teaches a drying device with an additional fan 21 for ventilation via the ground same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the drying device of Lubosachik to include an additional fan for ventilation via the ground as taught by Nippon in order to improve the drying efficiency.

4. Claims 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luboschik (DE 4315321A1) in view of Unger, Jr. (U. S. Pat. 2,279,848) as applied to claim 1 above, and further in view of Liechti et al. (CH 684771).

The drying device of Lubosachik as modified by Unger, Jr. as above includes all that is recited in claims 5, 7 except for means for correlating the operation, that is to say the start up and shut down, and the automatic control of all the motorized components with measurement of the temperature of the surface of the bed of sludge and relative humidity content of the atmosphere outside the drying greenhouse. Liechti et al. teach a drying device with means 3 for automatically controlling the start up and shut down based on measurement of the temperature of the surface of the bed of sludge and the relative air humidity of the air entering the greenhouse. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the drying device of Lubosachik to include an automatic

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control means with measurement of the temperature of the surface of the bed of sludge and relative humidity content of the atmosphere outside the drying greenhouse of Liechti et al. in order to improve the drying efficiency.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luboschik (DE 4315321A1) in view of Unger, Jr. (U. S. Pat. 2,279,848) as applied to claim 1 above, and further in view of Waanders (WO 01/06191 A1).

The drying device of Lubosachik as modified by Unger, Jr. as above includes all that is recited in claim 9 except for a metering pump and distribution means for uniformly feeding the sludge into the greenhouse. Waanders teaches a drying device with a pump 4 and a distribution means 3 for feeding the sludge into the greenhouse same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention<sup>1</sup> was made to further modify the drying device of Lubosachik to include a pump and distribution means as taught by Waanders in order to uniformly feeding the sludge into the greenhouse.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luboschik (DE 4315321A1) in view of Unger, Jr. (U. S. Pat. 2,279,848) as applied to claim 1 above, and further in view of Porcaro (FR 2637968).

The drying device of Lubosachik as modified by Unger, Jr. as above includes all that is recited in claim 10 except for a heating to heat the upper surface of the bed of sludge by infrared radiation. Porcaro teaches a drying device with infrared heater for heating the upper surface of the bed of sludge same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the drying device

of Lubosachik to include an infrared heater as taught by Porcaro in order to improve the drying efficiency.

***Allowable Subject Matter***

7. Claims 6 and 8 are allowed.

***Response to Arguments***

8. Applicant's arguments filed 3/28/2006 have been fully considered but they are not persuasive to overcome the rejection. It is noted the new claims 11-18 are same as the cancelled claims 1-5, 7 and 9-10 respectively. Therefore, the rejection remains unchanged. First, broad claims 11-18 fail to structurally define over the prior art references. There is no structural difference between the claimed invention and the combined references. Second, on pages 9-10 of the Remarks, the applicant argued that there is no teaching to combine the prior art references. The examiner disagrees with the applicant's argument. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the patent to Luboschik shows a solar device for drying products, a greenhouse (3.1) comprises a slab or floor (2.2) on which the bed (3) of sludge to be dried is deposited, means (2.3) being provided for ensuring that the sludge

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spread over said floor is turned over. A system (3.3) is provided for renewal of the air present in said greenhouse (3.1). Unger, Jr. teaches a material drying device with fans 28 positioned on the means for turning the sludge bed over (see page 1, left-hand column, lines 13-16 and right-hand column, lines 52-55) same as claimed. Therefore, in view of the combined teachings of the references, it would have been obvious to one having ordinary skill in the art to modify the material drying device of Luboschik to position the fans over the means for turning the sludge bed as taught by Unger, Jr. in order to reducing the drying time and to improve the drying efficiency.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jiping Lu  
Primary Examiner  
Art Unit 3749

J. L.